

**GE-Pittsfield Citizen's Coordinating Council
Berkshire Community College
Susan B. Anthony Center**

**Meeting Highlights
November 17, 1999**

Prepared by the Massachusetts Office of Dispute Resolution.

Participants

18 members of the CCC were present. There were 7 people in the audience.

Introductions

All members introduced themselves.

Announcements and Other Pre-Agenda Activities

As promised at an earlier meeting, the Attorney General's Office distributed a memo clarifying the impact of the proposed Consent Decree in regards to Contribution Protection. EPA and DEP announced an extension of the comment period of the Consent Decree from December 2, 1999 to January 24, 2000. Rachel Fletcher announced an informal public meeting with the NRD Trustees to elaborate on the NRD component of the CD. The meeting will be held on December 1, 1999 at the Watershed Team Office, Federal Building, 78 Center Street, Pittsfield, MA. RSVP to Rachel at 413-528-3391 or rfletch@bcn.net.

Agenda Review

Harry reviewed the proposed agenda. After some discussion, it was agreed upon by all. Upon the request of a CCC member, and with the agreement of the CCC, the audience was invited to sit at the meeting table and participate in tonight's discussion of residential fill issues.

Residential Fill Issues – How to Address

Harry introduced this agenda item by reviewing his pre-meeting correspondence with the CCC. The correspondence noted that in order to break the impasse that has occurred during the last several meetings regarding residential fill issues, he asked GE and they agreed not to attend this meeting, and instead consider the ideas generated from the meeting. It is hoped that this will enable a more open conversation to occur about the issues and to gather ideas that can be relayed to GE for discussion with them at the December 1, 1999 CCC meeting. He noted that GE will be at all future meetings. He emphasized that the goal of tonight's discussion was to identify the issues and to concentrate on how the CCC may address them.

Get Real – Noted the difficulty of having 2 parties (DEP and GE) make a decision about how to clean a property (referring to the Administrative Consent Order (ACO) and the process it outlines) without including the homeowner and giving them a voice during the process. Stated that the property owners are reasonable but are asking to be included earlier and more continually in the 16 steps of the ACO. Homeowners should be asked about ideas for testing, clean-up, etc. There should be also a mechanism to deal with problems when they arise as well.

DEP- Noted that there is a standard order and procedure set for the clean-up process. One of the first things is the letter to the owner explaining the clean-up process. DEP stated their desire to review the process and distributed a Customer Service Questionnaire they had just prepared designed to get property owner input on sampling, remediation, and the restoration process. They also voiced support for establishing a dispute resolution process.

HRI- Stated that it is essential to establish a process for regular communication between property owners, GE, and DEP. Suggested that some kind of forum or roundtable be created in which all the homeowners can communicate their experiences or perhaps a mentoring program that would help new people understand the issues they will be facing during the clean-up.

Citizens for PCP Removal – Noted that a mentoring program seems to be a good idea but that there are some problems that are not being addressed. For example, some “clean” properties are finding evidence of further contamination, when the owner digs a hole to put something in and finds evidence of PCB’s, etc.

Counsel for Get Real - Emphasized that the property owner’s input needs to be built into DEP’s clean-up process and that GE must also accept the owners’ input. Suggested that documents be created with the owners input as well.

DEP- Stated that it tries to include the owner’s input informally. It noted that the ACO language including owner’s participation is a step forward in regards to property owner input compared with Massachusetts Contingency Plan (general law governing these cases) but DEP could include the owners formally in the 16 steps. Also supported the idea of a mentoring program for homeowners.

Get Real – Concerned that one year ago they met with GE to discuss the problems they were having and were told that since negotiations were going on they had to wait. Now, with the CD and the ACO out, Get Real wants to go back to speak directly with GE. It is not only a problem of complying with regulations but also of being reasonable. Added that averaging is an issue as is property values.

Charlie Champoni (audience) – Noted that he was one of the first 17 to be cleaned and that GE did a good job. Agreed there should be some kind of mentoring program and offered to be a mentor. He stated that the property owners want to know exactly what is going to happen before signing the “Access Agreement” so they have time to think about it (more than the one week currently being done). He also noted that “once you’re “remediated” they don’t want to deal with you any more”, referring to the need for a dispute resolution process..

AG - Asked if the proposed changes would also be applied to commercial property owners. After some discussion, it was noted that the lessons learned from the residential fill removal process should be applied to commercial owners.

HRI- Stated that river-front property owners knew their properties were contaminated a long time ago. This has been going on for 10 years and 4 different groups. Noted that owners that have not been seen publicly in 4 years were seen during the public meeting the previous evening. Agreed that everyone with contaminated property should participate in that forum. "Averaging" is a very important issue for them as well.

HRI- Emphasized that the more people are involved from the beginning, the better the result. It helps them realize that they are being heard. Stated that they felt GE has never taken responsibility and has misled the public in order to protect themselves.

Property Owner (Audience)- Stated that property value stabilization and resulting tax issues were critical. His property was remediated but would like to know when the city of Pittsfield was going to bring the property assessment back to normal. Members of the CCC reported that the owners are working with the city assessor in tax abatement and property assessment issues.

Andy (Audience)- Noted that the agencies worked really hard to get a "package" in the CD and now they want public support. Thought the fear of the public is rooted in the belief that once the agencies get that public support, the agencies will leave the owners alone without a solution to their other related issues.

AG – Emphasized the necessary of separating the two different issues: one is the communication/increasing owner participation issue to be included in the 16 steps of the ACO. The other is related to property values and compensation..

Citizens for PCB Removal – Noted that establishing a dispute resolution within DEP's process was also essential.

Citizens for PCB Removal – Voiced support for establishing a dispute resolution process. Felt that the issue of increasing owners formal input is something workable and the agencies could help in addressing the anxiety generated around it.

HRI- Stated that the agencies should help owners during the whole process, not only during meetings.

Harry summarized the issues expressed during the evening as well as the ideas that were generated. He noted the significant progress that had been made and asked the CCC if they felt the ideas were sufficiently specific to enable a fruitful discussion with GE. After some discussion, the CCC concluded that another meeting was needed to more fully develop these ideas before transmitting them to GE for subsequent discussion with them. Due to the upcoming holiday and other scheduling conflicts, it decided to cancel the next CCC meeting on December 1, 1999 and instead to use this date for a small group meeting to further define the ideas. The following 14 people (CCC members, members of the public, and agency people) volunteered to meet for this purpose:

Bobbie Orsi, John Barber, Dorothy Mara, Mickey Friedman, Barbara Cianfarini, Charlie Cianfarini, Thelma Barzottini, Tim Gray, Jim Milke (subject to availability), Bryan Olson, Tim Conway, Angela Bonarrigo, Alan Weinberg, Adam Wright, Lyn Cutler.

Year 2000 CCC Meeting Schedule

The CCC decided to continue the current schedule of meeting on the first Wednesday of each month for the year 2000. The schedule will be sent to all members.

Next Meeting

The December 1999 CCC meeting was cancelled. The next meeting will be on January 5, 2000.